

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Unlawful Association - Declaration of the 'Students Islamic Movement of India (SIMI) as an unlawful Association by the Central Government under Section 3(1) of the Unlawful Activities (prevention) Act, 1967 (37 of 1967) - Re-Publishing of the Notification - Orders – Issued.

GENERAL ADMINISTRATION (LAW & ORDER - II) DEPARTMENT

G.O.Ms.No. 86

Dated:21-3-2014.

Read the following:-

1. From the Govt. of India, Ministry of Home Affairs, New Delhi, Notification No. S.O.299 (E) Dated:01-02-2014, Notified in the Gazette of India, Extra Ordinary, Part.II, Section -3 -Sub-section (ii) dated 01-02-2014.
2. From the Govt. of India, Ministry of Home Affairs, New Delhi
Lr.No.14017/2/2013- NI-III, dated:6-2-2014.

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ORDER:-

Whereas the Government of India, Ministry of Home affairs in their Notification Number dated 01-02-2014 in S.O 299 (E) in exercise of the powers conferred by Section 3 (1) of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967) have declared 'Students Islamic Movement of India (SIMI) to be an 'Unlawful association'.

2) And whereas under section 21 of the Andhra Pradesh General Clauses Act 1891, the State Government is empowered to publish any order and notification in the Official Gazette.

3) Now, therefore, in exercise of the powers conferred under section 21 of the Andhra Pradesh General Clauses Act, 1891, the Government hereby republishes the notification issued by the Government of India, Ministry of Home Affairs, vide reference 1st read above, in an Extra-Ordinary issue the Andhra Pradesh Gazette Part-II dated : 22 -03-2014 in favour of information to the general public.

NOTIFICATION

The following Notification of the Ministry of Home Affairs, Government of India New Delhi, No. S.O.299(E), dated: 1st February,2014 is republished:-

S.O.299(E) : Whereas the Students Islamic Movement of India (hereinafter referred to as the 'SIMI') has been indulging in activities, which are prejudicial to the security of the country and have the potential of disturbing peace and communal harmony and disrupting the secular fabric of the country;

And whereas, in exercise of the powers conferred by sub-section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967) (hereinafter referred to as the 'Act'), the Central Government declared the SIMI as an unlawful association vide notification numbers (i).S.O.960 (E), dated the 27th September, 2001; (ii) S.O.1113 (E), dated the 26th September, 2003; (iii) S.O.191 (E), dated the 8th February, 2006; (iv) S.O. 276 (E), dated 7th February, 2008;d (v) S.O. 260 (E), dated 5th February, 2010; and (vi) S.O.224(E), dated 3rd February, 2012 respectively;

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And whereas, the Unlawful Activities (Prevention) Tribunal (hereinafter referred to as the 'Tribunal') was constituted in terms of section 5 for the purpose of adjudicating whether or not there is sufficient cause for declaring the SIMI as unlawful association and the Tribunal by its orders published vide notification numbers, (i) S.O.397(E), dated 8th April, 2002; (ii) S.O.499 (E), dated 16th April, 2004; (iii) S.O.1302 (E), dated the 11th August, 2006; (iv) S.O. 1990 (E), dated 12th August, 2010, and (v) S.O. 1745 (E), dated 6th August, 2012 respectively has confirmed the declaration so made;

And whereas, the Tribunal vide its order dated 1st August 2012 has confirmed the notification number S.O.224 (E) dated 3rd February, 2012 declaring SIMI as an unlawful association;

And whereas, the duration of ban under sub-section (1) of section (6) of the Unlawful Activities (Prevention) Act, 1967 will cease on the 2nd February, 2014;

And whereas the Central Government is of the opinion that SIMI is indulging in activities which are prejudicial to the integrity and security of the country on the basis, inter alia, of the following grounds, namely:-

- (a) Case Crime No. 126/2012 has been registered at Saidabad Police Station, Hyderabad, Andhra Pradesh under sections 147, 148, 324 and 153 (A) read with section 149 of the Indian Penal Code and section 7(1) of the Criminal Law (Amendment) Act, 1932 (23 of 1932) against the accused Javeed Khan and 17 others including 3 Ex-SIMI cadres for attacking and beating the victim, M.Siva Shankar Reddy in connection with an incident of communal flare up consequent to the alleged defiling of one Hanuman Temple at Kurmaguda in Madannapet Locality;
- (b) Case Crime No. 128/2012 has been registered at Saidabad Police Station, Hyderabad, Andhra Pradesh under sections 147, 148, 324 and 153 (A) read with section 149 of Indian Penal Code and section 7(1) of the Criminal Law (Amendment) Act 1932 (23 of 1932) against the accused Javeed Khan and 17 others including 3 ex-SIMI cadres for attacking the Hindu leaders Bangari Prakash and others and damaging their vehicle when they were visiting the locality of Saidabad in connection with the incident of communal flare up consequent to the alleged defiling of Hanuman Temple at Kurmaguda in Madannapet Locality;
- (c) Case Crime No. 130/2012 has been registered at Saidabad Police Station, Hyderabad, Andhra Pradesh under sections 147, 148, 427 and 153 (A) read with section 149 of Indian Penal Code and section 7(1) of the Criminal Law (Amendment) Act 1932 (23 of 1932) against the accused Javeed Khan and 17 others including 3 ex-SIMI cadres for attacking one Srinivas Reddy of Saidabad and damaging window panes of his car in connection with the incident of communal flare up consequent to the alleged defiling of Hanuman Temple at Kurmaguda in Madannapet Locality;
- (d) Case Crime No. 133/2012 has been registered at Saidabad Police Station, Hyderabad, Andhra Pradesh under sections 147, 148, 435 and 153 (A) of Indian Penal Code read with section 7(1) of the Criminal Law (Amendment) Act 1932 (23 of 1932) against the accused Javeed Khan and 17 others including 3 ex-SIMI cadres for attacking one D.Rahul Singh with stones near ACP office, Malakpet in connection with the incident of communal flare up consequent to the alleged defiling of Hanuman Temple at Kurmaguda in Madannapet Locality;

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- (e) Case Crime No. 24/2013 has been registered at Ranip Police Station, Ahmedabad, Gujarat under sections 224, 120B and 511 of Indian Penal Code read with section 45 of the Prisons Act, 1894 (9 of 1894) against 14 accused persons, undertrials in the case of bomb blasts, for assembling and conspiring and trying to escape Sabarmati Central Jail by digging the earth beneath the water tank and digging 10 to 12 feet long tunnel in prohibited area of judicial custody;
- (f) Case Crime No.17/2013, has been registered at D.C.B. Police Station, Ahmedabad, Gujarat under sections 217, 218, 201 and 120 (B) of the Indian Penal code against 9 accused persons including jail officials for helping and shielding the prisoner who dug a tunnel in the Sabarmati Central Jail for escaping from the Jail;
- (g) Case Crime No.209/2012 has been registered at Kotwali Police Station, Madhya Pradesh under section 124 (A) of Indian Penal Code and sections 3, 10 and 13 of The Unlawful Activities (Prevention) Act 1967 (37 of 1967) against 1 accused person for inclusion of sections 124 (A) and 295 (A) in old Case Crime No. 237/2006 registered at Kotwali Police Station, Khandwa, Madhya Pradesh under sections 153 (A), 147, 452 and 336 of Indian Penal Code;
- (h) Case Crime No.541/2013 has been registered at Kotwali Police Station, Khandwa, Madhya Pradesh under sections 395, 307, 353 and 332 of Indian Penal Code and additionally, sections 3,10,13 and 16 of the Unlawful Activities (Prevention) Act, 1967 against 6 accused persons who are ex-SIMI members and escaped from the Khandwa Jail, Madhya Pradesh on 1st October 2013;
- (i) Case Crime No. 542/2013 has been registered at Kotwali Police Station, Khandwa, Madhya Pradesh under section 224 of Indian Penal Code and additionally, sections 3, 10 13 and 16 of the Unlawful Activities (Prevention) Act, 1967 against 6 accused persons who are ex-SIMI members and escaped from the Khandwa Jail, Madhya Pradesh on 1st October 2013;
- (j) Case Crime No.2/2012 has been registered at ATS Kalachowki Police Station, Mumbai, Maharashtra under sections 153 (A), 120 (B) , 468 and 471 of the Indian Penal Code and sections 3 and 25 of the Arms Act, 1959 against 5 accused persons. The Aurangabad Unit of the Anti Terrorist Squad, Maharashtra received information that one Abrar @ Munna @ Abdulla @ Ismail, an active member of the banned Students Islamic Movement of India (SIMI) and Indian Mujahiddin (IM) and an absconder in the Ahmedabad Serial Blast case of 2008, was likely to meet his associates in Aurangabad city for committing a terrorist act. The officers of Anti Terrorist Squad, Aurangabad Unit, laid a trap to arrest the absconding member of SIMI. During the operation, the suspect opened fire at the police party, who retaliated in self-defence and this ultimately resulted in the death of one of the suspect, namely, Khalil @ Azhar Qureshi and detention of two suspects, namely, Mohd. Abrar Khan @ Munna Babu Khan and Shaker @ Khalil Akil Khilji. Pursuant to the incident of exchange of fire and arrest of suspects, a cognizable offence vide Begumpura P.S. Cr.No.25/2012 under sections 307, 333, 335, 336, 338, 352, 353 and 34 of Indian Penal Code read with Sections 3, 25 and 27 of the Arms Act, 1959 read with section 135 of the Bombay Police Act was registered;

Pursuant to the thorough questioning of the afore mentioned accused persons, the Anti Terrorist Squad, Akola Unit further conducted raids on the 27th March, 2012 in Chikhali and Sailani village in Buldana District and detained Akhil Yusuf Khilji and Jaffer Hussain Iqbal Hussain Quereshi and during the said raid and house search of these accused persons, 1 fire arm, 5 live cartridges, inflammatory literature belonging to the banned SIMI was seized;

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- (k) Case Crime No.47/2012 has been registered at Vashi Railway Police Station, Mumbai, Maharashtra under sections 143, 147, 149, 327, 353 and 332 of the Indian Penal Code against 10 accused persons who were arrested out of which one accused namely, Iqbal @ Pappa Gulam Rasul Shaikh is a SIMI activist. The case is registered in an incident of rioting at Gowandi Railway Station wherein a Buddhist Monk was humiliated and assaulted by a mob going to participate in Azad Maidan agitation on 11th August, 2012. The Handy-Cam belonging to Police personnel was damaged by the mob. The Police made arrest of the above mentioned SIMI activist Iqbal @ Pappa Shaikh S/o Gulam Rasul Shaikh with his associates on 23rd August 2012;
- (l) Case Crime No.131/2012 has been registered at Nijampura Police Station, Thane City, Maharashtra under sections 307 and 120 (B) of the Indian Penal Code and sections 3, 25 and 27 of the Arms Act, 1959 and sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (MCOCA) read with section 16 (1) (b) of the Unlawful Activities (Prevention) Act, 1967 against 5 accused persons (ex-SIMI activists) for attempt to murder;
- (m) Case Crime No.120/2012 has been registered at Ramdas Peth Police Station, Akola, Maharashtra under sections 143, 147, 148, 149, 324 and 307 of the India Penal code read with sections 4 and 25 of the Arms Act, 1959 against 10 accused persons including 2 SIMI activists for forming an unlawful assembly and attempting to murder complainant and witnesses with deadly weapons;
- (n) Case Crime No.15/2013 has been registered at Jalgaon Jamod Police Station, Buldana, Maharashtra under sections 324, 336 and 504 of the Indian Penal Code against 4 accused persons including 1 SIMI activist for assaulting the complainant with stone causing him head injury;
- (o) two SIMI activists were sentenced to one year imprisonment and a fine of Rs.500 was imposed on each accused by the Court of J.M.F.C. Shazapur in Case Crime No.684/2001, registered at Police Station Shazapur, Madhya Pradesh under sections 10 and 13 of the Unlawful Activities (Prevention) Act, 1967;
- (p) one SIMI activist was sentenced to one year imprisonment and a fine of Rs.500/- was imposed by the Court of J.M.F.C., Siwani in Case Crime No.423/2001, registered at Police Station-Siwani, Madhya Pradesh under section 10 of The Unlawful Activities (Prevention) Act, 1967;
- (q) ten SIMI activists were sentenced to three years imprisonment and a fine of Rs. 500/- was imposed on each accused and two SIMI activists were sentenced to two years imprisonment and a fine of Rs.500/- was imposed on each accused by the Court of Third Addl. Sessions Judge, Khandwa in Case Crime No 256/2006, registered at Police Station-Kotwali, Khandwa, Mandhya Pradesh under sections 153 (A), 295 and 124(A) of the Indian Penal Code and sections 3, 10, 13 and 16 of The Unlawful Activities (Prevention) Act, 1967;
- (r) two SIMI activists were sentenced to two years rigorous imprisonment and a fine of Rs.5000/- was imposed on each accused under sections 3 and 10 of The Unlawful Activities (Prevention) Act, 1967 and sentenced to five years' rigorous imprisonment and a fine of Rs.5000/- was imposed on each accused under section 3/13(2) of The Unlawful Actiities (Prevention) Act, 1967 by the Court of A.S.J. Fourth, Khandwa in Case Crime No.202/2008, registered at Police Station-Kotwali, Khandwa, Madhya Pradesh under sections 153(A), 420, 467,468 and 469 of the Indian Penal Code and sections 3, 10, 13 and 20 of The Unlawful Activities (Prevention) Act, 1967 as amended in 2004;

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- (s) one SIMI activist was sentenced to one year rigorous imprisonment and a fine of Rs.1000/- was imposed by the Court of J.M.F.C., Bhopal in Case Crime No.295/2001, registered at Police Station-Gautam Nagar, Bhopal, Madhya Pradesh under section 10 of The Unlawful Activities (Prevention) Act, 1967;
- (t) the Fast Track Court-II, Coimbatore has pronounced judgment on 29th February, 2012 convicting five SIMI activists and sentenced them to three years' rigorous imprisonment with a fine of Rs.5000/- under sections 124(A) and 153 (B) of the Indian Penal Code in Case Crime No.722/1999, registered at Police Station-Kattur, Coimbatore, Tamil Nadu;
- (u) the National Investigation Agency (NIA) Special Court, Kochi, Kerala has convicted thirteen (including two SIMI Activists) accused persons and sentenced them to imprisonment for life and a fine of Rs. 50,000/- was imposed on each accused in Case Crime No. RC-02/2010/NIA/DLI registered under sections 120 (B), 121, 121(A), 122, 123, 124(A), 212, 465 and 471 read with section 34 of the Indian Penal code and section 3, read with section 13(2), 16, 17, 18, 19, 38, 39 and 40 of The Unlawful Activities (Prevention) Act, 1967 against twenty four accused persons;

And whereas, the Central Government is further of the opinion that if the unlawful activities of the SIMI are not curbed and controlled immediately, it will take the opportunity to-

- (i) continue its subversive activities and re-organise its activists who are still absconding;
- (ii) disrupt the secular fabric of the country by polluting the minds of the people by creating communal disharmony;
- (iii) propagate anti-national sentiments;
- (iv) escalates secessionism by supporting militancy; and
- (v) undertake activities which are prejudicial to the integrity and security of the country;

And whereas, the Central Government is also of the opinion that having regard to the activities of the SIMI, it is necessary to declare the SIMI to be an unlawful association with immediate effect, and accordingly, in exercise of the powers conferred by the proviso to sub-sections (1) and (3) of Section 3, of The Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby declares the Students Islamic Movement of India (SIMI) to be an Unlawful Association and directs that this notification shall, subject to any order that may be made under Section 4 of the said Act, have effect for a period of five years from the date of its publication in the Official Gazette.

[F.No.14017/2/2013-N1-III]
RASHMI GOELS, Jt.Secy.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.P.K.MOHANTY
CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Printing, Stationery & Stores Purchase
(Printing wing) Hyderabad (She shall supply 200 copies of the Gazette Notification immediately)

All the Collectors & District Magistrates in the State.

The Commissioners of Police, Hyderabad, Cyberabad, Vijawada and Visakhapatnam

Copy to:

The Director General of Police, A.P., Hyderabad.

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The Additional Director General of police, C.I.D., A.P., Hyderabad.

The Additional Director General of Police (intelligence) A.P., Hyderabad.

The Director, Information & Public Relations, in Hyderabad.

All the Superintendents of Police in the State.

The Joint Secretary, GOI, Ministry of Home Affairs, New Delhi -110003, The Home Department/Law Department.

//FORWARDED::BY ORDER//

SECTION OFFICER (S.C)